

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FRESH PRESS, LLC,

Plaintiff,

vs.

iTASTE CO., LTD., a/k/a iTaste Co., Ltd.  
Shanghai, China and Shanghai iTaste  
Electronics Technology Co., Ltd., d/b/a Juisir;  
FROOTHIE USA LLC, a Delaware limited  
liability company; and  
XIUXING “LEO” CHEN, an individual,

Defendants.

CASE NO. 5:17-cv-01921-BLF

**Patent Local Rule 4-3 Joint Claim  
Construction and Prehearing Statement**

Pursuant to Patent Local Rule 4-3, Plaintiff Fresh Press, LLC (“Fresh Press”) and Defendants iTaste Co., Ltd, Froothie USA LLC, and Xiuxing Leo Chen (collectively, “Defendants”) hereby submit this Joint Claim Construction and Prehearing Statement regarding claim construction for U.S. Patent No. 9,493,298 (the “’298 Patent”).

**Patent Local Rule 4-3(a): Agreed Construction**

The parties agree that, save for “juicer cartridge,” the terms of claim 3 of the ’298 Patent need not be construed.

**Patent Local Rule 4-3(b): Proposed Constructions**

**“juicer cartridge”**

**Plaintiff’s Position:** The words “juicer cartridge” have a plain and ordinary meaning and need not be construed. Alternatively, if the Court believes a construction is necessary, a “juicer cartridge” should be construed as “a container or pouch used in a juicer.” *See, e.g.*, U.S. Patent No. 9,493, 298 (“’298 patent”), col. 22 ll. 10-11, 18-29; col. 7 ll. 14-18, 59-63; co. 27 ll. 37-40, claims 1, 3 *See, e.g.*, Cambridge English Dictionary, <http://dictionary.cambridge.org/us/dictionary/english/cartridge> (“cartridge” - “a container that is used in a larger piece of equipment, and which can be replaced with another similar part.”)

**Defendants’ Position:** Defendants propose that the term “juicer cartridge” be construed as “a container of food matter that is designed to be inserted in a larger mechanism.”

**Intrinsic Evidence:** ’298 patent at Abstract; Figs. 1, 2, 3A, 5, 6A-B, 7A-C, 8A-D, 10A-C, 11AF, 12, 13A, 13C, 14; 1:45-48; 1:56-59; 1:65-2:6; 2:11-13; 2:20-26; 2:29-42; 2:44-46; 2:61-64; 3:6-9; 3:18-21; 3:29-34; 3:45-46; 3:51-53; 3:60-63; 4:4-5; 4:11-15; 6:19-24; 6:66-67; 7:5-9; 7:30-32; 8:22-24; 8:46-65; 9:62-64; 10:4-21; 10:28-30; 12:44-53; 12:61-67; 13:16-19; 13:37-39; 15:26-29; 18:59-61; 18:63-65; 19:6-16; 19:26-27; 20:14-31; 21:56-66; 22:21-25; 22:35-41; 22:50-54; 23:22-24; 24:11-15; 25:24-32; 25:33-26; 25:64-26:35; 27:21-23; 28:22-26; 31:43-55; 32:13-41; 33:46-47.

**Extrinsic Evidence:**

- 2012 American Heritage Dictionary, 5th ed. defines “cartridge” as: “A small modular unit that is designed to be inserted into a larger piece of equipment”
- 2012 Merriam-Webster Collegiate Dictionary, 11th ed. defines “cartridge” as: “a case or container that holds a substance, device, or material which is difficult, troublesome, or

awkward to handle and that usu. can be easily changed . . . an often cylindrical container for insertion into a larger mechanism or apparatus”

- 2010 Pocket Oxford American Dictionary and Thesaurus, 3d ed. defines “cartridge” as: “a container holding film, ink, etc. designed to be inserted into a mechanism such as a camera or a printer”
- 2008 Webster’s New College Dictionary, 3d ed. defines “cartridge” as: “A small modular unit of equipment designed to be inserted into a larger piece of equipment”
- Cambridge English Dictionary (*available at* <https://dictionary.cambridge.org/us/dictionary/english/cartridge>) defines “cartridge” as: “a container that is used in a larger piece of equipment, and which can be replaced with another similar part”
- Oxford Living Dictionaries (*available at* <https://en.oxforddictionaries.com/definition/cartridge>) defines “cartridge” as: “A container holding a spool of photographic film, a quantity of ink, etc., designed for insertion into a mechanism.”

#### **Patent Local Rule 4-3(c): Most Significant Terms**

**Plaintiff’s Position:** It is unclear why Defendants believe a construction of “juicer cartridge” is necessary, much less dispositive.

**Defendants’ Position:** Under Patent L.R. 4-3(c), Defendants identify “juicer cartridge” as the term whose construction is most significant to the resolution of the case as potentially case dispositive.

#### **Patent Local Rule 4-3(d): Anticipated Length of Time for a Hearing**

**Plaintiff’s Position:** A claim construction hearing should not be necessary. If necessary, one hour should be sufficient.

**Defendants’ Position:** Defendants anticipate the length of time for the claim construction hearing to be one hour.

#### **Patent Local Rule 4-3(e): Identification of Hearing Witnesses**

The parties do not intend to rely on witnesses at the claim construction hearing, but respectfully reserve the right to do so.

**Patent Local Rule 4-3(f): Identification of Factual Findings**

The parties are not seeking any factual findings related to claim construction, but respectfully reserve the right to do so.

DATED: March 30, 2018

By/s/ *Kevin P.B. Johnson*

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**ATTESTATION**

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

By: /s/ Kevin P.B. Johnson  
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